

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>JOE D'AMBROSIO,</b>	<b>:</b>	<b>Case No. 1:00-CV-2521</b>
<b>Petitioner,</b>	<b>:</b>	
	<b>:</b>	<b>JUDGE KATHLEEN O'MALLEY</b>
<b>v.</b>	<b>:</b>	
<b>MARGARET BAGLEY, Warden,</b>	<b>:</b>	<b><u>MEMORANDUM AND ORDER</u></b>
<b>Respondent.</b>	<b>:</b>	

This matter arises on the Court's own initiative. The Court wishes to ensure that the Respondent Warden and Intervenor the Cuyahoga County Prosecutor's Office (collectively, the "State") have certain information available during tomorrow's oral argument addressing Petitioner Joe D'Ambrosio's 60(b) Motion (Doc. 251). The State should be prepared to explain when the Cuyahoga County Prosecutor's Office (and/or anyone acting for or in conjunction with the Cuyahoga County Prosecutor's Office – including the United States Marshal's Office) first learned: (1) that Eddie Espinoza was ill; (2) that there was some possibility that Espinoza might die; and (3) that Espinoza did die. The State should also be prepared to explain when and how this information was communicated to the Petitioner.

**IT IS SO ORDERED.**

**s/Kathleen M. O'Malley  
KATHLEEN McDONALD O'MALLEY  
UNITED STATES DISTRICT JUDGE**

**Dated: October 5, 2009**